

SENATE RECORD VOTE ANALYSIS

106th Congress
1st Session

Vote No. 37

March 10, 1999, 2:27 p.m.
Page S-2479 Temp. Record

EDUCATION MANDATE WAIVERS/Option for Schools to Fund their Priorities

SUBJECT: Education Flexibility Partnership Act . . . S. 280. Lott motion to close debate on the Lott second-degree modified substitute amendment No. 37 to the Bingaman amendment No. 35, as amended, to the committee substitute amendment No. 31.

ACTION: CLOTURE MOTION REJECTED, 55-44

SYNOPSIS: As reported, S. 280, the Education Flexibility Partnership Act, will expand eligibility for participation in the Education Flexibility (Ed-Flex) Program to all 50 States (currently only 12 States are eligible). Under the program, an eligible State may request that the Department of Education give it the right to grant to local education agencies waivers of certain Federal education regulatory and statutory requirements. A State that gives a waiver to a local education agency also must waive its own similar statutory and regulatory education requirements. Certain Federal regulatory and statutory requirements, including requirements relating to health and safety and civil rights, may not be waived. (Federal education funding provides between 6 percent and 7 percent of total public school funding, a third of which is for nutrition rather than education programs. The Federal Government closely controls how the funds it gives are spent, which hampers local innovation. Also, the 4 percent of funding that it gives is responsible for more than 50 percent of the administrative work in many school districts, due to the extensive paperwork requirements that come with Federal assistance.)

The committee substitute amendment would add public notice provisions, strengthen accountability provisions, and make technical corrections as agreed to by the managers.

The Bingaman amendment, as amended (see vote No. 31), would increase the authorization for the Individuals with Disabilities Education Act (IDEA) by \$150 million; prior to being amended, it would have created a new school dropout prevention program.

The Lott second-degree modified substitute amendment to the Bingaman amendment would allow local educational agencies to use any Federal funds for hiring teachers that they receive from last year's \$500 billion omnibus appropriations bill either to hire new teachers or to pay for IDEA activities (an appropriation of \$1.2 billion for hiring public school teachers was added to last year's

(See other side)

YEAS (55)		NAYS (44)		NOT VOTING (1)	
Republicans (55 or 100%)	Democrats (0 or 0%)	Republicans (0 or 0%)	Democrats (44 or 100%)	Republicans (0)	Democrats (1)
Abraham	Hutchinson		Akaka	Johnson	
Allard	Hutchison		Baucus	Kennedy	
Ashcroft	Inhofe		Bayh	Kerrey	
Bennett	Jeffords		Biden	Kerry	
Bond	Kyl		Bingaman	Kohl	
Brownback	Lott		Boxer	Landrieu	
Bunning	Lugar		Breaux	Lautenberg	
Burns	Mack		Bryan	Leahy	
Campbell	McCain		Byrd	Levin	
Chafee	McConnell		Cleland	Lieberman	
Cochran	Murkowski		Conrad	Lincoln	
Collins	Nickles		Daschle	Mikulski	
Coverdell	Roberts		Dodd	Moynihan	
Craig	Roth		Dorgan	Reid	
Crapo	Santorum		Durbin	Reid	
DeWine	Sessions		Edwards	EXPLANATION OF ABSENCE: 1—Official Business 2—Necessarily Absent 3—Illness 4—Other	
Domenici	Shelby		Feingold		
Enzi	Smith, Bob		Feinstein		
Fitzgerald	Smith, Gordon		Graham		
Frist	Snowe		Harkin		
Gorton	Specter		Hollings	SYMBOLS: AY—Announced Yea AN—Announced Nay PY—Paired Yea PN—Paired Nay	
Gramm	Stevens		Inouye		
Grams	Thomas				
Grassley	Thompson				
Gregg	Thurmond				
Hagel	Voinovich				
Hatch	Warner				
Helms					

Compiled and written by the staff of the Republican Policy Committee—Larry E. Craig, Chairman

\$500 billion omnibus spending bill during last-minute, closed-door negotiations; see 105th Congress, 2nd session, vote No. 314).

On March 8, 1999, Senator Lott sent to the desk, for himself and others, a motion to close debate on the Lott amendment.

NOTE: A three-fifths majority (60) vote is required to invoke cloture.

The following items were pending at the time of the vote: an Allard/Gramm amendment to the language proposed to be stricken by the committee substitute amendment; a Jeffords substitute amendment to the Allard/Gramm amendment; a Kennedy/Daschle motion to recommit with instructions; a Lott substitute amendment to the instructions of the Kennedy/Daschle motion; and a Lott perfecting amendment to the Lott amendment to the Kennedy/Daschle motion. See vote No. 35 for descriptions.

After the vote, a unanimous consent agreement was reached to limit debate and to limit the amendments that would remain in order to be offered to the bill. All of the pending amendments and the pending motion were then withdrawn, except for the substitute amendment.

Those favoring the motion to invoke cloture contended:

Democrats are still determined to offer controversial amendments to this noncontroversial bill. Republicans are still convinced that those amendments should not be considered until the Senate takes up the reauthorization of the Elementary and Secondary Education Act (ESEA) this summer. Still, efforts are still being made to find a compromise solution. We Republicans believe that the pending Lott amendment points the way to a fair, compromise solution. The amendment applies to the existing appropriation for hiring teachers. It would allow local school districts to use that money either to hire teachers or to pay part of their Individuals with Disabilities Education Act (IDEA) costs. Republicans favor the second option, because districts will have to pay those costs in any event, so if Federal funds are used then local funds will be freed up to be spent on any educational need that the local school district identifies. However, Republicans are willing to leave it up to local school districts. Our Democratic colleagues say that local school districts want to hire teachers; if they are right, then they will spend the money for that purpose instead of on IDEA. Basically, the Lott amendment advances the idea that perhaps we should pass both the Democrats' new spending proposals, and the Republican proposal to increase IDEA funding in lieu of each of those proposals, and then to let each local education agency decide in each case if it likes the Democrat or Republican option better. We do not expect our Democratic colleagues to vote for cloture, but we are hopeful that they are supportive of the direction in which this amendment is moving.

Those opposing the motion to invoke cloture contended:

We agree that we are getting closer to a resolution of the current impasse. Republicans have been blocking the consideration of substantive Democratic amendments. Democrats now can clearly see that on this bill they do not have the votes to pass those amendments, but that still does not mean that they do not have a right to have them considered. Republicans have taken the position that we should increase funding for the IDEA instead of pursuing new educational initiatives. Democrats have taken the position that the needs of public education are great enough to justify funding for both. We Democrats have many amendments which we would like to offer, though we are reluctantly considering compromise agreements that will strictly limit how many amendments we may offer. The Lott amendment may suggest a possible solution, but we note that following it for each of our proposals would still block direct votes on our amendments. For that reason we must still oppose cloture, but we remain very hopeful that an agreement will soon be reached that will allow for the fair consideration and prompt passage of this bill.